

Remarks:

In complete response to the Office Action of February 19th, 2004, reconsideration is respectfully requested. In accordance with the Examiner's recommendation, the Applicant has amended the specification to add a specific reference to prior application, United States Patent 6,604,558, in order to comply with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. § 120. The specific reference describes the relationship between the prior application and this application as a continuation. Claims 1-3 remain in this application. The Applicant has amended claims 1 and 3 to more clearly define the invention.

Claim Rejections Under 35 U.S.C. § 103(a):

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bragg '626 in view of the SOLVALtm reference A306. Applicant respectfully submits that the present invention is not obvious over Bragg '626 in view of the SOLVALtm reference A306.

Bragg '626 discloses a system for refueling aircraft on the ground, which includes a fuel scrubbing means to remove oxygen from liquid fuel and a headspace inerting means, both of which use an inert gas. However Bragg teaches neither the volatile organic compound limitation, nor the oxygen concentration of the headspace limitation of the present invention.

In order to cure the deficiency of Bragg, the Examiner has combined Bragg with the SOLVALtm reference. The SOLVALtm reference discloses a system to remove volatile organic compounds from various gaseous mediums. The volatile organic compound removing means taught by the SOLVALtm requires the use of a large amount of cryogenic liquid and storage means.

To combine the SOLVAL[™] reference with Bragg would require a large amount of a cryogenic liquid. However, the Bragg system does not supply large amounts of cryogenic liquids. Therefore, it would not have been obvious to one of ordinary skill in the art to combine the two references because neither the large amount of cryogenic liquid nor the large associated storage means, as required by the SOLVAL[™] reference, are elements taught by the Bragg '626 system.

Additionally, the current invention embodied in amended claim 1 of the application includes a further defining limitation in that the dissolved oxygen in the fuel will not exceed about 5 parts per million by weight. This further defining limitation renders this claim patentably distinct from the Bragg '626 reference, which only discusses oxygen concentrations in the fuel of 5% (column 4, line 25). This amount (5%) is equivalent to 50,000 parts per million, in contrast to the 5 parts per million requirement of claim 1. Hence, amended claim 1 discloses a significant advance over the Bragg '626 system.

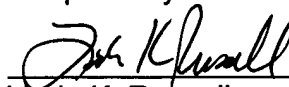
The Applicant respectfully asserts that since amended claim 1 is allowable over the prior art, for the above reasons, claims 2 and 3 are also allowable as they are dependent thereon.

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Conclusion:

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

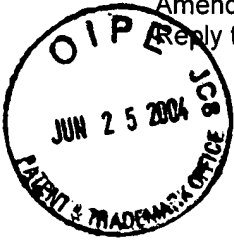
Respectfully submitted,



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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of June, 2004.



Stacy Forte